

Appln No. 09/575,195
Amdt. Dated January 13, 2006
Response to Office Action of November 9, 2005

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REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated November 9, 2005.

Specification

The Examiner will appreciate the difficulties in discussing applications by telephone during normal office hours when the Applicant is based in Australia. The Examiner is asked to continue to extend some forbearance in this regard.

It is submitted that the amendments to Section 8.4.3 (*sic*) on page 78 of the specification, filed herewith, address any outstanding clarity issues relating to the specification.

Claims Objection

Claim 2 has been amended to correct the unfortunate error. The term "penis" should of course be "pen is".

Claim Rejections - 35 USC § 112

Claim 27 has been deleted.

Claim Rejections - 35 USC § 103

The Examiner alleges that the present invention is obvious from the combined disclosures of Hamrick (US 5,451,998) and Henderson (5,737,740). Specifically, and referring to page 4 of the Office Action, the Examiner alleges that Henderson teaches:

- generating indication by the pen using the coded data, the indicating data comprising data regarding the identity of the form and data regarding the location of the pen relative to the form (col. 11, lines 5-55).

The Applicant disagrees with this analysis of Henderson, because Henderson does not generate data regarding the location of the pen relative to the form using the coded data. In the present invention, the coded data is printed on the form; by reading this coded data, the pen can determine its location relative to the form. Claim 1 is unambiguously clear that the coded data is printed on a form and it is this printed coded data which is being read by the pen.

By contrast, the pen in Henderson determines its position not by reading coded data printed on a form, but by interacting with electronic sensors on an x-y digitizer. In Henderson, a sheet of paper is placed over the x-y digitizer and the digitizer, not the paper or anything printed thereon, is used to provide data on the relative location of the pen on the paper.

Accordingly, it is submitted that the combined teachings of Hamrick and Henderson would not lead the skilled person to arrive at the present invention. All that he would arrive at, from reading Hamrick and Henderson, is a method of purchasing, which required placing a form over an x-y digitizer and using this form/digitizer assembly with a pen to enable him to make purchases. Such a method is clearly not within the scope of the present claims. The Examiner is requested to reconsider his objections of obviousness in view of these submissions.

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It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,
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